

FORM PTO-1083

Docket No.: 478.1080

Date: July 14, 2006

Mail Stop: Missing parts  
 COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

In re application of: David MORTON, et al.  
 Serial No.: 10/571,884  
 Filed: March 13, 2006  
 For: DRY POWDER COMPOSITION COMPRISING A BENZODIAZEPINE FOR PULMONARY INHALATION

Sir:

Transmitted herewith is a **Response to Anticipated Notice of Missing Requirements** (1 page) in the above-identified application.

- ☐ Small entity status under 37 C.F.R. 1.9 and 1.27 has been previously established.  
☐ Applicants assert small entity status under 37 C.F.R. 1.9 and 1.27.  
☒ No fee for additional claims is required.  
☐ A filing fee for additional claims calculated as shown below, is required:
- ☒ Also transmitted herewith are:  
☐ Petition for month extension under 37 C.F.R. 1.136  
☒ Other: **Executed Declaration and Power of Attorney Documents (6 pages), return receipt postcard.**
- ☒ Check(s) in the amount of **\$130.00** is/are attached to cover:  
☐ Filing fee for additional claims under 37 C.F.R. 1.16  
☐ Petition for month extension under 37 C.F.R. 1.136  
☒ Other: Late declaration fee
- ☒ The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-0552.
- ☒ Any filing fee under 37 C.F.R. 1.16 for the presentation of additional claims which are not paid by check submitted herewith.  
☒ Any patent application processing fees under 37 C.F.R. 1.17.  
☒ Any petition fees for extension under 37 C.F.R. 1.136 which are not paid by check submitted herewith, and it is hereby requested that this be a petition for an automatic extension of time under 37 CFR 1.136.

07/20/2006 ATRAM1 00000126 10571884

01 FC:1617

130.00 OP

  
 Cary S. Kappel, Reg. No. 36,561  
 DAVIDSON, DAVIDSON & KAPPEL, LLC  
 485 Seventh Avenue, 14<sup>th</sup> Floor  
 New York, New York 10018  
 Tel: (212) 736-1940  
 Fax: (212) 736-2427

I hereby certify that this correspondence and/or documents referred to as attached therein and/or fee are being deposited with sufficient postage to the United States Postal Service as "first class mail" in an envelope addressed to "Mail Stop: Missing Parts; Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" on July 14, 2006.  
 DAVIDSON, DAVIDSON & KAPPEL, LLC

BY: 

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Re: Application of: David MORTON *et al.*  
Serial No.: 10/571,884  
Filed: March 13, 2006  
For: **DRY POWDER COMPOSITION COMPRISING A  
BENZODIAZEPINE FOR PULMONARY  
INHALATION**

MAIL STOP: MISSING PARTS  
Commissioner for Patents  
Alexandria, VA 22313-1450

July 14, 2006

**RESPONSE TO ANTICIPATED NOTIFICATION  
OF MISSING REQUIREMENTS**

Sir:

In Anticipation of a Notification of Missing Requirements, enclosed please find the executed Declaration and Power of Attorney form (6 pages) signed by the inventors for the above-referenced application.

Respectfully submitted,

DAVIDSON, DAVIDSON & KAPPEL, LLC

By: \_\_\_\_\_

Cary S. Kappel  
Reg. No. 36,561

Davidson, Davidson & Kappel, LLC  
485 Seventh Avenue, 14th Floor  
New York, New York 10018  
(212) 736-1940